

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TONY CURTIS BROACH,

:

Plaintiff,

:

vs.

: **CIVIL ACTION 04-00017-CG-B**

BOB RILEY, et al.,

:

Defendants.

:

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made¹, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this court. The defendants' motion for summary judgment is hereby **GRANTED**, and the entirety of plaintiff's complaint against defendants is hereby **DISMISSED WITH PREJUDICE**.

DONE and ORDERED this 25th day of March, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE

¹Petitioner's does not object to the Magistrate Judge's ruling that the defendants did not violate his Constitutional rights in removing him from the honor dormitory. He does, however, object to the recommendation on his claims concerning conditions of confinement and the inadequacy of the law library. He submitted no evidence in support of his claims to the magistrate judge in connection with her consideration of the motion for summary judgment, and no evidentiary hearing was held. His objection (Doc. 45), which repeats the arguments made to the magistrate judge, refers to attached affidavits. There is no explanation offered as to why those affidavits were not produced at the appropriate time before the magistrate judge. They are not now considered. See SD AL LR 72.4(c).